

# LAW OFFICES OF HAROLD R. BURKE

POST OFFICE BOX 4078  
GREENWICH, CONNECTICUT 06831  
4 STONEWALL CIRCLE  
WEST HARRISON, NEW YORK 10604  
WWW.BURKE-LEGAL.COM

MEMBER, STATE AND FEDERAL BARS OF  
CONNECTICUT AND NEW YORK

TELEPHONE (203) 219-2301  
FACSIMILE (203) 413-4443  
E-MAIL HRB@BURKE-LEGAL.COM

June 5, 2023

Hon. Kenneth M. Karas  
United States District Court  
300 Quarropas Street, Chambers 533  
White Plains, New York 10601-4150

Re: Catherine Kassenoff v. Allan Kassenoff et al. 7:22-CV-002162-KMK

Dear Judge Karas:

I represent the plaintiff Catherine Kassenoff in this action. This letter is in response to the Court's order dated May 30, 2023 at which time you asked that I make inquiries and advise as to my client's status.

In an email communication dated May 27, 2023, my client advised that she was in Switzerland and would be ending her life with assistance. She also advised that information or inquiries could be directed to her friend, Wayne Baker; Attorney Baker is a retired federal prosecutor and my client's former professional colleague when she was assigned to the Eastern District. I have been in contact with Attorney Baker and can relate the following information.

First, I last spoke with my client approximately 25 minutes after she transmitted her May 27<sup>th</sup> message. She confirmed that she was proceeding with the plan she had outlined in the email. Approximately 20 minutes into the call the line disconnected and my efforts to re-establish contact were unsuccessful. I have not heard from her since and to the best of my knowledge and information neither has anyone else.

Next, while my client did not disclose her specific location during my calls with her, I know that she was outside the United States. I learned that she was in Switzerland from her email message. Apparently, there are several facilities in Switzerland that work with patient's seeking an assisted death. The name and location of the specific facility, while suspected, has not been confirmed to me, and apparently, under Swiss law patient related information, including confirmation of death, is subject to such local disclosure procedures.

In accordance with U.S. Department of State procedures efforts have been undertaken to have the appropriate United States Consulate confirm her death. See

<https://travel.state.gov/content/travel/en/international-travel/while-abroad/death-abroad1/consular-report-of-death-of-a-u-s--citizen-abroad.html>

At this time, I have no reason to suspect or believe that Catherine Kassenoff is alive but I must concede that I cannot verify that she has died. Given the unusual circumstances, I am requesting that this matter be continued for four weeks. In the event that I should discover material information earlier, I will immediately apprise the Court and opposing counsel.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Harold R. Burke", with a long horizontal flourish extending to the right.

Harold R. Burke

HRB/st

cc. Allan Kassenoff (kassenoffa@gtlaw.com)  
Lisa Lynn Shrewsberry (lshrewsberry@traublieberman.com)  
Wayne Baker (federallitigator@gmail.com)